

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT (1)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DY-0577

(Inmate Number)

Phan Hue

(Name of Plaintiff)

660 state Route 11

(Address of Plaintiff)

Hunlock Creek, Pa. 18621

vs.

James Updike; Joseph

matoloni; Edward O'

Brian; Dale Hazlak

(Names of Defendants)

In their individual & official capacities.

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALSCOMPLAINT FILED
SCRANTON

JUN 15 2001

PER RMP
DEPUTY CLERK

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N.A.

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?
☒ Yes ☐ No
- B. Have you filed a grievance concerning the facts relating to this complaint?
☒ Yes ☐ No

If your answer is no, explain why not

N.A.

- C. Is the grievance process completed? ☒ Yes ☐ No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant James Updike is employed
as Physician's Asst. at S.C.I. Retreat ;
- B. Additional defendants Joseph Matoloni is the Chief
Health Care Administrator at S.C.I.
Retreat; Edward O'Brian is the Culinary
manager at S.C.I. Retreat; Dale
[Cont.]

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On Feb. 24th, 2000, while working in the
Kitchen area, I had an accident
which seriously injured my shoulder
& knocked out teeth;
2. I was taken to the outside Hospital
where the Emergency room Physician
informed me that I would need to
see a bone specialist & prescribed
medication;
3. Subsequent to my return to the
institution, defendant Updike dis-
continued my medication; Confisca-
ted my shoulder restraint & refused
[Cont.]

III: B: Additional defendants Cont.:

Hazlak is unit manager at S.C.I. Retreat.

IV. (3) statement of claim Cont.:

to schedule me to see the Bone Specialist;

defendant matoloni was apprised of my inability to use my arm or move my shoulder & he acquiesced to the continuation of denying me the prescribed medication, the continued denial of my shoulder, Arm restraint - harness, the continued refusal to honor the outside doctor's referral to a Bone Specialist & when defendant O'Brien & defendant Hazlak were adamant about not letting me off of work, Concurred

IV. (3) statement of Claim Cont.:

with their forcing me to work because they feared I was going to sue over the conditions of the work place hence the subsequent injury

Defendant O'Brien would not recognize my injury thus my inability to work & used all his official pressure to see (1) that my injury was not recognized, (2) that I be made to work.

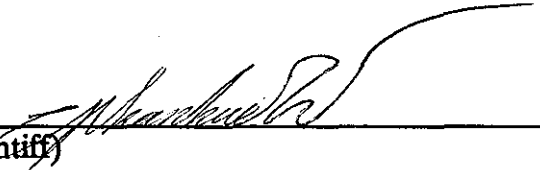
Defendant Holak retaliated against me by seeing that I was punished for refusal to work based upon my contentions of the 8th Cruel & Unusual punishment violations & my attempts to get the prescribed medical attention.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

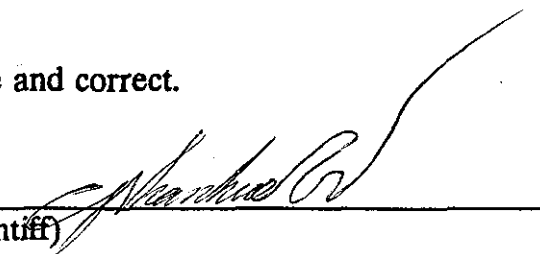
1. repair of my medical maladies res-
ultant from the work accident,
expungement of the misconduct
from my record simply for fighting
for my Constitutional Rights;
2. monetary Compensation awarded
by a jury commensurate with the
physical & psychological pain/dures
suffered to date;
3. Punitive damages in the amount
of \$10,000.00 from each defendant
so that they do not put another individ-
ual through the same trauma.

Signed this 12 day of June, 2001.


(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

6-12-2001
(Date)


(Signature of Plaintiff)